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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARRIE HAWECKER and MICHELLA)	1:10-cv-0085 OWW JLT
BROUSSARD, individually and on)	
behalf of a class of similarly)	FINAL PRETRIAL ORDER
situated persons,)	
)	Motion in Limine Date:
Plaintiffs,)	4/29/11 12:00 Ctrm. 3
)	
v.)	Trial Date: 5/10/11 9:00
)	Ctrm.3 (JT-4 days)
RAWLAND LEON SORENSEN,)	
)	
Defendant.)	
)	
)	

I. JURISDICTION AND VENUE

1. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 3601, in that the federal claims alleged in this action arise under the federal Fair Housing Act. The state claims asserted herein fall within this Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367. Venue is proper pursuant to 28 U.S.C. § 1391(b) in that the claims arose within the County of Kern, California. There is no dispute concerning jurisdiction or venue. (See Scheduling Order, Doc. 13, p. 4.)

///

1 II. JURY/NON-JURY

2 1. Defendant made a timely demand for jury trial pursuant
3 to Rule 38 of the Federal Rules of Civil Procedure. (See Answer,
4 Doc. 6, p. 12.) Plaintiff has not demanded a jury.

5 III. FACTS

6 A. Undisputed Facts

7 1. Defendant Rawland Leon Sorensen owns and operates over
8 50 properties, mostly single family homes, in Bakersfield,
9 California.

10 2. Defendant manages the properties, collects rent, and
11 performs evictions.

12 3. Plaintiff Carrie Hawecker is a former tenant of
13 defendant.

14 4. Plaintiff Michelle Broussard is a former tenant of
15 defendant.

16 B. Disputed Facts

17 1. Whether defendant injured plaintiffs by committing
18 discriminatory housing practices in violation of the federal Fair
19 Housing Act, 42 U.S.C. § 3601, et seq.

20 2. Whether defendant injured plaintiffs by committing
21 discriminatory housing practices in violation of the California
22 Fair Employment and Housing Act, Govt. Code § 12955, et seq.

23 3. Whether defendant injured plaintiffs in violation of
24 the Unruh Civil Rights Act, California Civil Code §§ 51, 51.9, by
25 discriminating based on sex and committing acts of sexual
26 harassment in the operation of his rental properties.

27 4. Whether defendant engaged in unwelcome sexual advances,
28 requests for sexual favors, and other verbal or physical conduct

1 of a sexual nature such that submission to the conduct, either
2 explicitly or implicitly, was made a term or condition relating
3 to the rental of a dwelling or the provision of benefits or
4 services in connection therewith.

5 5. Whether defendant engaged in unwelcome sexual advances,
6 requests for sexual favors, and other verbal or physical conduct
7 of a sexual nature such that the conduct has the effect of
8 creating an environment which a reasonable person in the same
9 position would consider intimidating, hostile, offensive or
10 otherwise making the tenancy significantly less desirable, in
11 connection with the rental of a dwelling or the provision of
12 benefits or services in connection therewith.

13 6. Whether defendant threatened, intimidated, or
14 interfered with female tenants in their enjoyment of dwellings
15 because of sex.

16 7. Whether defendant evicted female tenants because of
17 sex.

18 8. Whether defendant imposed different terms, conditions,
19 or privileges, or denied or limited services or facilities in
20 connection with the rental of a dwelling, because of sex.

21 9. Whether defendant made statements indicating a
22 limitation, preference or discrimination, or the intent to
23 discriminate, based on sex.

24 10. Whether plaintiffs are entitled to compensatory
25 damages.

26 11. Whether plaintiffs are entitled to punitive damages.

27 12. Whether plaintiffs were delinquent in their rent
28 payments and have brought the allegations of the complaint to

1 avoid eviction. (Doc. 13 at 4.)

2 IV. DISPUTED EVIDENTIARY ISSUES

3 1. Plaintiffs anticipate filing motions in limine
4 excluding any attempt by defendant to submit or refer to evidence
5 related to plaintiffs' alleged bad acts, drug use, prior
6 evictions or prior convictions. Concurrently herewith,
7 plaintiffs have served their notice pursuant to Fed. R. Evid. 415
8 that they intend to present evidence of defendant's commission of
9 other offenses of sexual assault.

10 V. SPECIAL FACTUAL INFORMATION

11 1. Not applicable.

12 VI. RELIEF SOUGHT

13 1. Plaintiffs seek compensatory damages pursuant to the
14 federal Fair Housing Act, 42 U.S.C. § 3613 [Claim One], the
15 California Fair Employment and Housing Act ("FEHA"), Govt. Code §
16 12989.2 [Claim Two], and the California Unruh Civil Rights Act,
17 Civil Code § 52(a) and (b) [Claim Three].

18 2. Plaintiffs seek statutory damages under the Unruh Civil
19 Rights Act, Cal. Civ. Code § 52(a), for both plaintiffs up to a
20 maximum of three times the amount of actual damages but in no
21 case less than \$4,000 for each and every violation of Civil Code
22 § 51, and a civil penalty of \$25,000 on behalf of both plaintiffs
23 for defendant's violation of Civil Code § 51.9. [Claim Three.]

24 3. Plaintiffs seek punitive damages pursuant to the
25 federal Fair Housing Act, 42 U.S.C. § 3613 [Claim One].

26 VII. DISPUTED ISSUES OF LAW

27 1. Whether defendant violated the Fair Housing Act, FEHA
28 and Unruh Act by discriminating in the terms, conditions, and

1 privileges of the rental of a dwelling because of sex. 42 U.S.C.
2 § 3604(b); 24 C.F.R. § 100.65(b)(4); Cal. Govt. Code §§
3 12927(c)(1), 12955(a), (d), (k), 12955.6; Cal. Civ. Code § 51.

4 2. Whether defendant violated the Fair Housing, FEHA and
5 Unruh Act by coercing, intimidating, threatening or interfering
6 with any person in the exercise or enjoyment of a dwelling
7 because of sex. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(c)(2);
8 Cal. Govt. Code §§ 12955, 12955.6, 12955.7; Cal. Civ. Code §§ 51,
9 51.9.

10 3. Whether defendant made statements that indicated a
11 preference or discrimination or an intent to discriminate with
12 respect to the rental of a dwelling because of sex in violation
13 of the Fair Housing Act and FEHA. 42 U.S.C. § 3604(c); 24 C.F.R.
14 § 100.75; Cal. Govt. Code §§ 12955(c), 12955.6.

15 4. Whether defendant sexually harassed plaintiffs in
16 violation of FEHA and the Unruh Civil Rights Act. Cal. Govt.
17 Code § 12955(a); Cal. Civ. Code § 51.9.

18 5. Whether defendant acted with reckless disregard of
19 plaintiffs' federally protected rights so as to justify an award
20 of punitive damages under the Fair Housing Act. 42 U.S.C. §
21 3613.

22 VIII. ABANDONED ISSUES

23 1. The Court has ruled that plaintiffs lack standing for
24 injunctive and declaratory relief. (Doc. 58, pp. 7-8.)
25 Plaintiffs no longer seek recovery under either Business &
26 Professions Code § 17200 [Claim Four] which is limited to
27 injunctive relief, or for wrongful eviction [Claim Five], which
28 provides no greater remedies than available under the Fair

1 Housing Act, FEHA and Unruh Act and is based on the same factual
2 predicate.

3 Not Abandoned.

4 2. The Court has ruled that Plaintiffs lack standing.¹

5 IX. WITNESSES

6 A. Plaintiffs

- 7 1. Ruby Almaguer
8 4521 Quarter Ave.
9 Bakersfield, CA 93309
- 10 2. Bridget Bautista
11 5003 Canyon Peak Dr.
12 Bakersfield, CA
- 13 3. Cynthia Benford aka Jones
14 3461 S. Chester Ave. #145
15 Bakersfield, CA 93304
- 16 4. Diana Bermudez
17 2305 Edgewood St.
18 Bakersfield, CA
- 19 5. Michelle Broussard
20 c/o Brancart & Brancart
- 21 6. Thelma chambers
22 407 Warren Ave.
23 Bakersfield, CA 93308
- 24 7. Ruby Childs
25 2520 Bishop Dr. Apt. C
26 Bakersfield, CA 93306
- 27 8. Lamarra Clay
28 700 V St.
Bakersfield, CA 93304
9. Laportia Copeland
Greenwood Dr.
Bakersfield, CA 93306
10. Louise Fitzgerald
2402 Pond Street
Urbana, IL 61801

¹ Not abandoned by Plaintiff. Will revisit during trial.

- 1 11. Angela Hagler
2 2524 LeFrance Dr.
3 Bakersfield, CA 93304
- 4 12. Carrie Hawecker
5 c/o Brancart & Brancart
- 6 13. John Heberger
7 5090 N. Fruit Ave #102
8 Fresno, CA 93711
- 9 14. Tarnesha Jackson
10 3008 Laurel Dr.
11 Bakersfield, CA 93304
- 12 15. Josette James
13 1451 Lake St.
14 Bakersfield, CA
- 15 16. Dominique Jones
16 2504 September Dr.
17 Bakersfield, CA
- 18 17. Tina Jones
19 5318 Fairfax Road, Apt. B
20 Bakersfield, CA
- 21 18. Jeri King
22 3605 Rockford Ave., Apt. C
23 Bakersfield, CA
- 24 19. Tyanna Larry
25 519 9th St.
26 Bakersfield, CA 93304
- 27 20. Veronica Lasalde
28 6318 Monitor St.
Bakersfield, CA
21. Bonnie Lords
1921 19th St.
Bakersfield, CA 93303
22. Shelle Miller
4613 Parkwood Ct.
Bakersfield, CA 93309
23. Eric Peterson
1320 Schull
Bakersfield, CA
24. Jamel Portis
5211 Cherry Tree Ln.
Bakersfield, CA

- 1 25. Mark Roy
 615 California Ave.
2 Bakersfield, CA 93304
- 3 26. Rawland Leon Sorensen
 2512 Newport
4 Bakersfield, CA
- 5 27. Lisa Terry
 3100 Howe Ave.
6 Sacramento, CA 95821
- 7 28. May Turner
 1517 Miller St.
8 Bakersfield, CA 93305
- 9 29. Denise Williamson
 310 Jones St.
10 Bakersfield, CA
- 11 30. Susan Wolaver
 648 Delfino Ln
12 Bakersfield, CA 93304

13 B. Defendants

14 1. C

15 Counsel are each ordered to submit a list of witnesses to
16 the court along with a copy for use by the Courtroom Deputy
17 Clerk, on the same date and at the same time as the list of
18 exhibits are to be submitted as ordered below.

19 CAUTION

20 Counsel are cautioned that expert witnesses, including
21 percipient experts, must be designated as such. No witness, not
22 identified as a witness in this order, including "rebuttal"
23 witnesses, will be sworn or permitted to testify at trial.

24 X. EXHIBITS, SCHEDULES AND SUMMARIES

25 The following is a list of documents or other exhibits that
26 the parties expect to offer at trial.

27 CAUTION

28 Only exhibits so listed will be permitted to be offered into

1 evidence at trial, except as may be otherwise provided in this
2 order. No exhibit not designated in this pretrial order shall be
3 marked for identification or admitted into evidence at trial.

- 4 1. Rental agreements executed by Rawland Sorensen.
- 5 2. Rental income records produced by Rawland Sorensen.
- 6 3. 2008 tax return filed by Rawland Sorensen.
- 7 4. 2009 tax return filed by Rawland Sorensen.
- 8 5. 2512 Newport Lane - floor plan.
- 9 6. 2512 Newport Lane - photographs.
- 10 7. Ledger of rental properties owned by Rawland Sorensen.
- 11 8. Property tax bills issued to Rawland Sorensen.
- 12 9. Rental records (Broussard).
- 13 10. Rental records (Hawecker).
- 14 11. Agreement between Sorensen and Hawecker.
- 15 12. Eviction notices re Hawecker.
- 16 13. Hawecker rental property - photographs.
- 17 14. Expert report by Dr. Louise Fitzgerald, Ph.D.
- 18 15. Expert report by John Heberger, CPA.
- 19 16. Defendant's Response to Plaintiff Carrie Hawecker's

20 Special Interrogatories.

21 17. Response to Plaintiffs' motion to compel documents and
22 things, including documents.

- 23 18. Financial records produced by Rawland Sorensen.

24 B. Defendant's Exhibits

- 25 1. C

26 XI. DISCOVERY DOCUMENTS

27 Only specifically designated discovery requests and
28 responses will be admitted into evidence. Any deposition

1 testimony shall be designated by page and line and such
2 designations filed with the Court on or before April 26, 2011.
3 The opposing party shall counter-designate by line and page from
4 the same deposition and shall file written objections to any
5 question and answer designated by the opposing party and filed
6 with the court on or before May 3, 2011.

7 Written discovery shall be identified by number of the
8 request. The proponent shall lodge the original discovery
9 request and verified response with the courtroom deputy one day
10 prior to trial. The discovery request and response may either be
11 read into evidence, or typed separately, marked as an exhibit, as
12 part of the exhibit marking process, and offered into evidence.

13 A. Plaintiff's List

14 1. A complete listing of discovery responses by Defendant
15 that may be used by Plaintiffs appears as part of the itemization
16 of exhibits listed above, including Defendant's Response to
17 Plaintiff Carrie Hawecker's Special Interrogatories served April
18 22, 2010, Nos. 3-4.

19 B. Defendant's List

20 1. C

21 XII. STIPULATIONS

22 1. In their Joint Scheduling Report filed April 8, 2010,
23 (Doc. 9, p. 4), the parties stipulated to bifurcation of the
24 question of the amount, if any, of punitive damages to be
25 awarded. Any punitive damages to be awarded, will be tried
26 before the same jury in a second phase of a continuous trial.

27 XIII. AMENDMENTS - DISMISSALS

28 1. None.

1 XIV. FURTHER TRIAL PREPARATION

2 A. Trial Briefs.

3 Counsel are directed to file a trial brief in this matter on
4 or before May 5, 2010. No extended preliminary statement of
5 facts is required. The brief should address disputed issues of
6 substantive law, disputed evidentiary issues of law that will not
7 be resolved in limine, and any other areas of dispute that will
8 require resolution by reference to legal authority.

9 B. Duty of Counsel To Pre-Mark Exhibits.

10 1. Counsel for the parties are ordered to meet and conduct
11 a joint exhibit conference on May 3, 2011, via telephone
12 conference, at 10:00 a.m., for purposes of pre-marking and
13 examining each other's exhibits and preparing an exhibit list.
14 All joint exhibits will be pre-marked JX1-JX50; all of the
15 plaintiff's exhibits will be pre-marked with numbers 51-100; all
16 of defendant's exhibits will be pre-marked with numbers 101-151.

17 2. Each and every page of each and every exhibit shall be
18 individually Bates-stamped for identification purposes, and
19 paginated with decimals and arabic numerals in seriatim; i.e.,
20 1.1, 1.2, 1.3

21 3. Following such conference, each counsel shall have
22 possession of four (4) complete, legible sets of exhibits, for
23 use as follows:

24 a. Two (2) sets to be delivered to the Courtroom
25 Deputy Clerk, Renee Gaumnitz, no later than 4:00 p.m. on May 6,
26 2011, an original for the court and one for the witness.

27 b. One (1) set to be delivered to counsel for the
28 opposing party and one (1) set to be available for counsel's own

1 use.

2 4. Counsel are to confer to make the following
3 determination as to each of the exhibits proposed to be
4 introduced into evidence and prepare separate indexes, one
5 listing joint exhibits, one listing each party's exhibits:

6 a. Joint exhibits, i.e., any document which both
7 sides desire to introduce into evidence, will be marked as a
8 joint exhibit (JX), and numbered JX1-____. Joint exhibits shall
9 be listed as such in the exhibit list in a column that notes they
10 are admitted into evidence without further foundation;

11 b. As to any exhibit, not a joint exhibit, to which
12 there is no objection to its introduction into evidence, the
13 exhibit will be marked as Plaintiff's Exhibit ____, or Defendant's
14 Exhibit ____ in evidence, and will be listed in the exhibit list
15 as the exhibit of the offering party;

16 c. The exhibit list shall include columns for noting
17 objections to exhibits. The first column will list any
18 objections as to foundation; i.e., Plaintiff's Foundation 2 -
19 "not authenticated."

20 d. The exhibit list shall include a second column for
21 noting substantive objections to exhibits based on any other
22 grounds; i.e., "hearsay, improper opinion, irrelevant."

23 e. The exhibit list shall include a description of
24 each exhibit on the left-hand side of the page, and the three
25 columns outlined above (as shown in the example below).

26 List of Exhibits

27		Admitted	Objection	Other
28	<u>Exhibit #</u>	<u>In Evidence</u>	<u>To Foundation</u>	<u>Objection</u>

1
2 f. The completed exhibit list shall be delivered to
3 Renee Gaumnitz CRD on or before May 6, 2011, at 4:00 p.m.

4 g. If originals of exhibits cannot be located, copies
5 may be used, however, the copies must be legible and accurate.
6 If any document is offered into evidence that is partially not
7 legible, the Court sua sponte will exclude it from evidence.

8 C. Discovery Documents.

9 1. Counsel shall file a list of discovery documents with
10 Renee Gaumnitz CRD at the same time and date as the witness and
11 exhibit lists are lodged with her, unless the discovery documents
12 are marked as exhibits, which counsel intend to use at trial by
13 designating by number, the specific interrogatory, request for
14 admission, or other discovery document. Counsel shall comply
15 with the directions of subsection XII (above) for introduction of
16 the discovery document into evidence.

17 D. Motions In Limine.

18 1. The motions in limine shall be filed by April 19, 2011,
19 and any responses shall be filed by April 25, 2011. The Court
20 will conduct a hearing on motions in limine in this matter on
21 April 29, 2011, at 12:00 p.m. in Courtroom 3, Seventh Floor,
22 before the Honorable Oliver W. Wanger United States District
23 Judge, at which time all evidentiary objections, to the extent
24 possible, will be ruled upon, and all other matters pertaining to
25 the conduct of the trial will be settled.

26 E. Trial Documents.

27 1. Exhibits To Be Used With Witness. During the trial of
28 the case, it will be the obligation of counsel to provide

1 opposing counsel not less than forty-eight hours before the
2 witness is called to the witness stand, the name of the witness
3 who will be called to testify and to identify to the Court and
4 opposing counsel any exhibit which is to be introduced into
5 evidence through such witness that has not previously been
6 admitted by stipulation or court order or otherwise ruled upon,
7 and to identify all exhibits and other material that will be
8 referred to in questioning of each witness. If evidentiary
9 problems are anticipated, the parties must notify the court at
10 least twenty-four hours before the evidence will be presented.

11 F. Counsel's Duty To Aid Court In Jury Voir Dire.

12 1. Counsel shall submit proposed voir dire questions, if
13 any, to Renee Gaumnitz CRD at rgaumnitz@caed.uscourts.gov on or
14 before May 3, 2011, by 4:00 p.m. Counsel shall also prepare a
15 joint "statement of the case" which shall be a neutral statement,
16 describing the claims and defenses for prospective jurors, to be
17 used in voir dire.

18 2. In order to aid the court in the proper voir dire
19 examination of the prospective jurors, counsel are directed to
20 lodge with the Court the day before trial a list of the
21 prospective witnesses they expect to call if different from the
22 list of witnesses contained in the Pre-Trial Order of the Court.
23 Such list shall not only contain the names of the witnesses, but
24 their business or home address to the extent known. This does
25 not excuse any failure to list all witnesses in the Pre-Trial
26 Order.

27 3. Counsel shall jointly submit, to Renee Gaumnitz CRD on
28 or before May 5, 2011, a neutral statement of the claims and

1 defenses of the parties for use by the court in voir dire.

2 G. Counsel's Duty To Prepare And Submit Jury Instructions.

3 1. All proposed jury instructions shall be filed and
4 served on or before May 9, 2011, by 4:00 p.m. Jury instructions
5 shall be submitted in the following format.

6 2. Proposed jury instructions, including verdict forms,
7 shall be submitted via e-mail to dpell@caed.uscourts.gov
8 formatted in WordPerfect for Windows X3. Counsel shall be
9 informed on all legal issues involved in the case.

10 3. The parties are required to jointly submit one set of
11 agreed upon jury instructions. To accomplish this, the parties
12 shall serve their proposed instructions upon the other fourteen
13 days prior to trial. The parties shall then meet, confer, and
14 submit to the Court the Friday before the trial is to commence,
15 one complete set of agreed-upon jury instructions.

16 4. If the parties cannot agree upon any instruction, they
17 shall submit a supplemental set of instructions designated as not
18 agreed upon by May 9, by 4:00 p.m.

19 5. Each party shall file with the jury instructions any
20 objection to non-agreed upon instructions proposed by any other
21 party. All objections shall be in writing and shall set forth
22 the proposed instruction objected to in its entirety. The
23 objection should specifically set forth the objectionable matter
24 in the proposed instruction and shall include a citation to legal
25 authority explaining the grounds for the objection and why the
26 instruction is improper. A concise statement of argument
27 concerning the instruction may be included. Where applicable,
28 the objecting party shall submit an alternative proposed

1 instruction covering the subject or issue of law.

2 6. Format. The parties shall submit one copy of each
3 instruction. The copy shall indicate the party submitting the
4 instruction, the number of the proposed instruction in sequence,
5 a brief title for the instruction describing the subject matter,
6 the test of the instruction, the legal authority supporting the
7 instruction, and a legend in the lower lefthand corner of the
8 instruction: "Given," "Given As Modified," "Withdrawn" and
9 "Refused" showing the Court's action with regard to each
10 instruction and an initial line for the judge's initial in the
11 lower right-hand corner of the instruction. Ninth Circuit Model
12 Jury Instructions should be used where the subject of the
13 instruction is covered by a model instruction.

14 7. All instruction should be short, concise,
15 understandable, and neutral statements of the law. Argumentative
16 or formula instructions will not be given, and should not be
17 submitted.

18 8. Parties shall, by italics or underlining, designate any
19 modifications of instructions from statutory authority, or any
20 pattern instruction such as the Model Circuit Jury Instructions
21 or any other source of pattern instructions, and must
22 specifically state the modification made to the original form
23 instruction and the legal authority supporting the modification.

24 9. Proposed verdict forms shall be jointly submitted or if
25 the verdict forms are unagreed upon, each party shall submit a
26 proposed verdict form. Verdict forms shall be submitted to the
27 Courtroom Deputy Clerk on the first day of the trial.

28 10. Failure to comply with these rules concerning the

1 preparation and submission of instructions and verdict forms may
2 subject the non-complying party and/or its attorneys to
3 sanctions.

4 XV. USE OF LAPTOP COMPUTERS/POWERPOINT FOR
5 PRESENTATION OF EVIDENCE

6 1. If counsel intends to use a laptop computer for
7 presentation of evidence, they shall contact Renee Gaumnitz CRD
8 at least one week prior to trial. The Courtroom Deputy Clerk
9 will arrange a time for any attorney to bring any laptop to be
10 presented to someone from the Court's Information Technology
11 Department, who will provide brief training on how the parties'
12 electronic equipment interacts with the court's audio/visual
13 equipment. If counsel intend to use PowerPoint, the resolution
14 should be set no higher than 1024 x 768 when preparing the
15 presentation.

16 2. ALL ISSUES CONCERNING AUDIO-VISUAL MATERIALS AND
17 COMPUTER INTERFACE WITH THE COURT'S INFORMATION TECHNOLOGY SHALL
18 BE REFERRED TO THE COURTROOM DEPUTY CLERK.

19 XVI. FURTHER DISCOVERY OR MOTIONS

20 1. No further discovery is contemplated. Plaintiffs
21 anticipate filing in limine motions by the deadline set by the
22 Court at the pretrial conference.

23 XVII. SETTLEMENT

24 1. Settlement negotiations are at an impasse.

25 XVIII. SEPARATE TRIAL OF ISSUES

26 1. Pursuant to the stipulation of the parties in their
27 Joint Scheduling Report (Doc. 9), and this Court's Scheduling
28 Conference Order filed May 13, 2010, (Doc. 13, p. 11), trial is

1 bifurcated as to the issue of the amount, if any, of punitive
2 damages to be awarded to plaintiffs. That amount will be
3 determined in a separate phase in a continuous trial before the
4 same jury after entitlement to punitive damages and amount of
5 compensatory damages has been determined.

6 XIX. IMPARTIAL EXPERTS, LIMITATIONS OF EXPERTS

7 1. Appointment by the Court of an impartial expert is
8 unnecessary.

9 2. There is no need to limit the number of experts.
10 Plaintiffs have designated two experts: (1) Dr. Louise
11 Fitzgerald, a psychologist who will testify concerning the
12 typical reactions of victims of sexual harassment in housing as
13 applied to the facts of this case; and (2) John Heberger, a
14 certified public accountant who will testify concerning the
15 estimated net worth of defendant for purposes of an award of
16 punitive damages. Defendant has not designated any experts.

17 XX. ATTORNEYS' FEES

18 1. If plaintiffs are determined to be the prevailing party
19 in this action, they will be entitled to an award of attorneys
20 fees and costs pursuant to the Fair Housing Act, 42 U.S.C.
21 § 3613, FEHA, Cal. Govt. Code § 12989.2, and the Unruh Act, Cal.
22 Civ. Code § 52(a) and (b).

23 XXI. ESTIMATE OF TRIAL TIME

24 1. Three to possibly four days.

25 XXII. TRIAL DATE

26 1. May 10, 2011, at 9:00 a.m., in Courtroom 3, on the
27 Seventh Floor.

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XXIII. NUMBER OF JURORS AND PEREMPTORY CHALLENGES

1. There will be a seven person jury with four peremptory challenges per side.

XXIV. AMENDMENT OF FINAL PRETRIAL ORDER

1. The Final Pretrial Order shall be reviewed by the parties and any corrections, additions, and deletions shall be drawn to the attention of the Court immediately. Otherwise, the Final Pretrial Order may only be amended or modified to prevent manifest injustice pursuant to the provisions of Fed. R. Civ. P. 16(e).

XXV. MISCELLANEOUS

1. None.

IT IS SO ORDERED.

Dated: March 18, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE